

CS FOR SENATE BILL NO. 280(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/14/96

Referred: STA, FIN

Sponsor(s): SENATORS TORGERSON, Green, Phillips, Donley, Halford

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the mandatory incorporation of certain boroughs in the
2 unorganized borough."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** LEGISLATIVE FINDING AND PURPOSE. (a) The legislature finds that
5 the rights, opportunities, and obligations of borough residents are not equal to those of
6 residents in the unorganized borough, particularly in respect to education, taxation, and land
7 use regulation, and that this is not in keeping with art. I, sec. 1, Constitution of the State of
8 Alaska, that states in part, ". . . . that all persons are equal and entitled to equal rights,
9 opportunities, and protection under the law; and that all persons have corresponding
10 obligations to the people and to the State."

11 (b) It is the purpose of this Act to abide by the intent of the framers of the state
12 constitution and the voters who adopted it and to implement a more equitable distribution of
13 rights, opportunities, and obligations among all residents of the state by including most of the
14 unorganized borough within the boundaries of a borough, with the expectation that the few

1 areas not organized under this Act will be annexed to existing municipalities.

2 * **Sec. 2. BOROUGH INCORPORATION PROPOSAL.** (a) The Department of
3 Community and Regional Affairs shall prepare a second class borough incorporation proposal
4 for each of the model boroughs identified for formation in the report issued in 1995 by the
5 Local Boundary Commission entitled "Model Borough Boundaries." During the process of
6 preparing an incorporation proposal, the department shall hold at least one public hearing in
7 the area covered by the proposal and consider recommendations regarding the proposal. The
8 proposal must include the following information:

9 (1) name;

10 (2) boundaries;

11 (3) maps, documents, and other information considered by the department to
12 be necessary;

13 (4) composition and apportionment of the assembly;

14 (5) a proposed operating budget for the borough projecting sources of income
15 and items of expenditure through the first full fiscal year of operation; and

16 (6) a designation of areawide and nonareawide powers to be exercised.

17 (b) By January 1, 1997, the state assessor shall estimate the full and true value of
18 taxable property in each of the model boroughs identified for formation in the report issued
19 in 1995 by the Local Boundary Commission. The Department of Community and Regional
20 Affairs shall submit each borough incorporation proposal to the Local Boundary Commission
21 by

22 (1) July 1, 1997, for model boroughs with an estimated full and true value of
23 taxable property of at least \$550,000,000;

24 (2) July 1, 1998, for model boroughs with an estimated full and true value of
25 taxable property of at least \$350,000,000, but less than \$550,000,000;

26 (3) July 1, 1999, for model boroughs with an estimated full and true value of
27 taxable property of at least \$75,000,000, but less than \$350,000,000;

28 (4) July 1, 2000, for model boroughs with an estimated full and true value of
29 taxable property of less than \$75,000,000.

30 (c) Within six months after receiving a borough incorporation proposal submitted
31 under (b) of this section, the Local Boundary Commission may request the department to

1 make changes to the proposal. When the commission determines that the proposal meets the
2 standards for incorporation of a second class borough, the commission shall accept the
3 proposal and notify the director of elections of its acceptance.

4 * **Sec. 3. ELECTION OF INITIAL OFFICIALS.** (a) Within 30 days after receiving notice
5 from the Local Boundary Commission of its acceptance of an incorporation proposal, the
6 director of elections shall order an election in the proposed borough for initial borough
7 officials. The election shall be held under AS 29.05.120 not less than 30 nor more than 90
8 days after the date of the election order. The election order must specify the dates during
9 which nomination petitions of election of initial officials may be filed.

10 (b) At an election held under this section, each nonareawide power included in the
11 incorporation proposal shall also be placed separately on the ballot. Adoption of a
12 nonareawide power requires a majority of the votes cast on the question, and the vote is
13 limited to the voters residing in the proposed borough but outside all cities in the proposed
14 borough.

15 * **Sec. 4. INCORPORATION OF NEW BOROUGHES.** A region is incorporated as a
16 second class borough on the first Monday following certification of the election held under
17 sec. 3 of this Act. AS 29.05.130 - 29.05.150 and 29.05.190 - 29.05.210 apply to boroughs
18 incorporated under this section.